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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
 dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**REPLY TO EMILY LEE'S OBJECTION
 TO DEBTOR'S OBJECTION TO LATE
 FILED ADMINISTRATIVE EXPENSE
 CLAIM OF EMILY LEE**

Hearing Date: February 7, 2024

Hearing Time: 9:30 a.m.

Cash Cloud, Inc. ("Debtor"), debtor and debtor in possession in the above-referenced chapter 11 bankruptcy case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP ("Fox"), hereby files this *Reply* ("Reply") to the *Objection* [ECF No. 1586] (the "Lee Objection") filed by Emily Lee ("Ms. Lee") to the *Debtor's Objection to Late Filed Administrative Expense Claim of Emily Lee* [ECF No. 1560] (the "Objection"), objecting to Proof of Claim No. 221 (the "Lee Claim").

This Reply is based upon the Objection, the *Declaration of Daniel Ayala* [ECF No. 1561] (the "Ayala Declaration") filed in support thereof, the Memorandum of Points and Authorities set forth below, the *Declaration of Angela Hosey* (the "Hosey Declaration") filed concurrently herewith, the pleadings and papers on file in the Chapter 11 Case, and any arguments made by counsel at the hearing on the Objection.

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MEMORANDUM OF POINTS AND AUTHORITIES

A. The Lee Objection Must Be Overruled Because Ms. Lee Failed To File The Requisite Motion To Obtain The Relief She Seeks.

As set forth in the Objection, Ms. Lee filed the Lee Claim on December 6, 2023, long after the Bar Date (July 20, 2023). *See* Exhibit 1 to the Motion.

As also set forth in the Objection, Debtor submits that Ms. Lee had proper notice of the Bar Date. *See* the Certificate of Service [ECF No. 884]. Ms. Lee was listed on the Certificate of Service at her last known address on file with Debtor. *See* Ayala Declaration, ¶ 3.

Further, Ms. Lee has neither (a) filed a motion under Rule 3002(c)(6) contending that the notice of the Bar Date received was insufficient, nor (b) filed a motion under Rule 9006(b)(1) contending that her failure to file the Lee Claim after the Bar Date was a result of excusable neglect. *See* Ayala Declaration, ¶ 4.

Nevertheless, Ms. Lee filed the Lee Objection, contending “I moved from the residence the Court sent the Administrative form to in May of 2023,” and “asking leniency for the Court” because “Coincloud owes me \$14,200.00.” *See* Lee Objection.

In addition, Ms. Lee alleges that Ms. Angela Hosey, a paralegal at Fox, stated that “she would submit [the Lee Claim] to the Court.” *See* Lee Objection. As set forth at length in the Hosey Declaration, Ms. Hosey repeatedly informed Ms. Lee that Fox represented the Debtor, not its creditors, and that Ms. Lee must consult her own attorney if she wanted legal advice. Ms. Hosey never once represented that she would file the Lee Claim on behalf of Ms. Lee. *See* Hosey Declaration.

The Debtor respectfully submits the Lee Objection should be overruled because Ms. Lee filed the Lee Claim after the Bar Date and failed to file the requisite motion to obtain an extension of the Bar Date under either Rule 3002(c)(6) or Rule 9006(b).

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1 WHEREFORE, for the reasons and based on the authorities set forth in the Motion and herein,
2 Debtor respectfully requests that the Court enter an order (i) overruling the Lee Objection;
3 (ii) granting the Objection; (iii) disallowing, in its entirety, the Lee Claim; and (iv) granting such other
4 and further relief as the Court deems just and proper.

5 Dated this 31st day of January, 2024.

6 **FOX ROTHSCHILD LLP**

7 By: /s/ Brett A. Axelrod

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